

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

**ROBERT J. MUELLER, DEEPROOT FUNDS
LLC (a/k/a dprt Funds, LLC), AND POLICY
SERVICES INC.,**

Defendants,

-and-

**DEEPROOT TECH LLC, DEEPROOT
PINBALL LLC, DEEPROOT STUDIOS LLC,
DEEPROOT SPORTS & ENTERTAINMENT
LLC, AND DEEPROOT RE 12621 SILICON DR
LLC,**

Relief Defendants.

Civil Action No.: 5:21-cv-785-XR

PLAINTIFF'S DESIGNATION OF EXPERT WITNESS

Pursuant to Federal Rule of Civil Procedure 26(a)(2) and the Court's Second Amended Scheduling Order [ECF No. 86], Plaintiff Securities and Exchange Commission ("SEC") submits the following Designation of Expert Witness:

A. Retained Expert

Bill Post
Senior Managing Director
FTI Consulting
50 California Street
Suite 1900
San Francisco, California 94111

Mr. Post will provide testimony concerning, among other things: (1) an analysis of whether the materials and methods utilized by Robert J. Mueller (“Mueller”), Policy Services, Inc., and deeproot in connection with the deeproot 575 Fund, LLC (the “575 Fund”) and the deeproot Growth Runs Deep Fund, LLC (the “dGRD Fund”) (collectively, the “Funds”), including private placement memoranda, marketing materials disseminated by the Funds, and/or statements made to investors and potential investors were consistent with industry custom and practice in light of applicable statutes, regulations, and industry guidelines; (2) an analysis of whether the business and investment operations and actions of Mueller, as well as deeproot and Policy Services, Inc. under Mueller’s control and direction, as the investment advisor to the Funds were consistent with industry custom and practice; and (3) an analysis of whether the operations and/or actions of Mueller and the Funds as investment advisers were consistent with and adhered to the requirements of the fiduciary duties of loyalty and care.

Mr. Post’s report, which is not filed but will be separately produced to Mueller in accordance with the Second Amended Scheduling Order [ECF No. 86], is incorporated herein by reference.

B. Cross-designation of Defense Experts and Future Designation of Rebuttal Experts

The SEC reserves the right to: (a) elicit expert opinion testimony from any qualified expert witnesses proffered by Mueller; and (b) designate rebuttal experts in accordance with the applicable rules and the Second Amended Scheduling Order [ECF No. 86].

Date: March 17, 2023

Respectfully submitted,

/s/ Kristen M. Warden

Kristen M. Warden, Trial Counsel
David Nasse, Supervisory Trial Counsel
Charlie Divine, Trial Counsel
U.S. Securities and Exchange Commission
100 F Street NE
Washington, DC 20549
(202) 551-4661 (Warden)
(202) 551-4426 (Nasse)
(202) 551-6673 (Divine)
wardenk@sec.gov
nassed@sec.gov
divinec@sec.gov

*Counsel for Plaintiff Securities and
Exchange Commission*

CERTIFICATE OF SERVICE

I certify that on the 17th day of March 2023, a true and correct copy of the foregoing document was filed electronically through the Court's CM/ECF system, which will send copies to all counsel of record.

/s/ Kristen M. Warden

Kristen M. Warden

*Counsel for Plaintiff United States Securities
and Exchange Commission*